

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EDUARDO PITA,

Plaintiff,

-against-

TULCINGO CAR SERVICE, INC.  
and HUMBERTO CAMPOVERDE,

Defendants.  
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**ORDER ADOPTING**  
**REPORT AND RECOMMENDATION**  
10-CV-481 (DLI) (JO)

**DORA L. IRIZARRY, U.S. District Judge:**

On April 7, 2011, the Honorable James Orenstein, U.S.M.J., issued a Report and Recommendation (“R & R”) with regard to plaintiffs’ motion for default judgment against defendants Tulcingo Car Service, Inc. (“TCS”) and Humberto Campoverde (collectively, “Defendants”). No objections to the R & R have been filed. Upon due consideration, the Report and the Recommendations contained therein are hereby adopted in their entirety.

Accordingly, it is hereby ORDERED that:

- (1) Plaintiff’s motion for default judgment is GRANTED.
- (2) The Clerk of the Court enter judgment against Defendants jointly and severally in the amount of \$2,977.00, which consists of \$2,910.00 in attorneys’ fees and \$67.00 in costs.
- (3) Defendant TCS, its directors, officers, agents, servants, employees, successors, assigns, subsidiaries, related companies, parent companies, licensees, and all persons in active concert or participation with it, as well as Defendant Humberto Campoverde, and all persons in active concert or participation with him, are, permanently enjoined from:

- a. directly or indirectly infringing Plaintiff's "Tulcingo" trademark in any manner, including generally, but not limited to, advertising, promoting and offering services, which bear terms which infringe said trademarks and specifically, using or displaying the name or mark "Tulcingo" or any other names or marks confusingly similar to Plaintiff's registered trademark "Tulcingo" as a trade mark, service mark, trade name or part thereof, alone or in combination with other words, symbols, styles, titles or marks in connection with the advertising or offering of services;
- b. using any designation, trademark, trade name, logo or design that tends falsely to represent, or is likely to confuse, mislead, or deceive purchasers, customers, or members of the public into believing that unauthorized services promoted, advertised or offered by TCS or Mr. Campoverde originate from Plaintiff, or that said services have been sponsored, authorized or licensed by or associated with Plaintiff or is in some way connected or affiliated with Plaintiff;
- c. otherwise infringing Plaintiff's "Tulcingo" trademark or competing unfairly with Plaintiff in any manner or damaging Plaintiff's respective goodwill, reputation or business.

SO ORDERED.

Dated: Brooklyn, New York  
May 10, 2011

/s/  
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DORA L. IRIZARRY  
United States District Judge